

**Before the
Federal Communications Commission
Washington, DC 20554**

JUL - 7 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
1998 Biennial Regulatory Review)	CS Docket No. 98-54
)	
Part 76 - Cable Television Service)	
Pleading and Complaint Rules)	
_____)	

Reply Comments of Ameritech New Media, Inc.

Ameritech New Media, Inc. ("Ameritech") hereby responds to some of the issues raised in comments filed in response to the Commission's Notice of Proposed Rulemaking ("Notice")¹ in the above-captioned docket pertaining to whether and how the Commission should streamline the procedural requirements under part 76 of the Commission's rules, and make them more consistent.²

In its comments, Ameritech urged the Commission to implement the changes to section 76.1003 (47 C.F.R. § 76.1003), which establishes procedures for program access complaints, that Ameritech proposed in the Commission's existing *Program Access Proceeding*.³ Ameritech also recommended that the Commission adopt the same procedural changes to section 76.1302 (47 C.F.R. § 76.1302), which governs carriage

¹ *In the Matter of 1998 Biennial Regulatory Review; Part 76 - Cable Television Service Pleading and Complaint Rules*, CS Docket No. 98-54, Notice of Proposed Rulemaking, FCC 98-68 (rel. Apr. 22, 1998).

² *Id.* at para. 1.

³ *Implementation of the Cable Television Consumer Protection and Competition Act of 1992; Petition for Rulemaking of Ameritech New Media, Inc. Regarding Development of Competition and Diversity in Video Programming Distribution Carriage*, CS Docket No. 97-284, RM No. 9097, Memorandum Opinion and Order and Notice of Proposed Rulemaking, FCC 97-415 (rel. Dec. 18, 1997) (*Program Access Proceeding*).

agreement complaints, as those Ameritech proposed with respect to section 76.1003 because section 76.1302 addresses essentially the same issues as section 76.1003.

With respect to the comments filed by other parties to this proceeding, Ameritech opposes the proposal by Tele-Communications, Inc. ("TCI") and the National Cable Television Association ("NCTA") that the Commission begin the time period for responding to any cable complaint or petition that is placed on public notice (including program access complaints) on the public notice date. On the other hand, Ameritech supports TCI's proposal that the Commission revise the cable public notice format to provide parties with additional relevant information.

I. The Commission Should Not Extend the Period for Responding to Program Access Complaints

In their comments, both TCI and NCTA propose that the Commission revise its procedures for all cable complaints or petitions that are the subject of a Commission public notice (including program access complaints) to provide that the time period for filing a response to such complaints or petitions runs from the public notice date, rather than the date of service of such complaints or petitions. TCI and NCTA argue that this modification will alleviate confusion as to when responses are due. For the following reasons, Ameritech believes that the Commission should reject TCI's and NCTA's proposal, at least insofar as it applies to program access complaints.

As an initial matter, Ameritech observes that the Commission has already initiated a separate, ongoing proceeding to review comprehensively its program access rules to determine whether and how those rules should be streamlined to ensure that they fulfill the market opening objectives of section 628 of the Communications Act, as amended

(the “Act”), 47 U.S. C. § 548. Ameritech believes that any revision to the Commission’s program access complaint procedures, such as that proposed by TCI and NCTA, should be addressed in that proceeding, not here.

Additionally, the revision proposed by TCI and NCTA is antithetical to the language and purpose of section 628, which requires the Commission to prescribe regulations that “provide for an expedited review of any complaints made pursuant to this section.”⁴ Because TC’s and NCTA’s proposed revision would delay Commission review of program access complaints by unnecessarily extending the period for filing responses to such complaints, it is clearly at odds with section 628 and should be rejected.

Moreover, the only justification offered by TCI and NCTA for their proposal is the spurious claim that the difference in the time periods for responding to program access and other cable complaints creates confusion as to when responses are due and, therefore, increases the number of requests for extensions of time. Ameritech submits, however, that the Commission’s rules are perfectly clear that the time period for answering a program access complaint is triggered by service of the complaint. In addition, the reason that the time period for filing a response to most petitions for special relief commences on the date of public notice is to ensure that interested parties have adequate notice of the petition and sufficient time to respond. In the case of a program access complaint, the complainant must provide at least 10 days advance notice to potential defendants that it intends to file a complaint, and then must directly serve the complaint on defendants. Consequently, it is difficult to discern how there could be any confusion concerning when responses to such complaints are due, or why a defendant might require additional time to

⁴ 47 U.S.C. § 628 (f)(1).

respond. TCI's and NCTA's proposal should, therefore, be rejected, at least insofar as it applies to program access complaints.

II. The Commission Should Revise the Cable Public Notice Format to Provide Parties with Additional Relevant Information

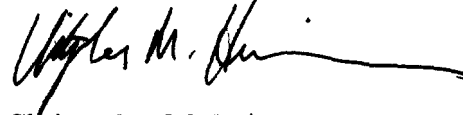
Ameritech agrees with TCI that the Commission's existing format for cable public notices leaves out important information, such as the identity of the defendant or respondent, making it difficult for parties to determine whether they are the subject of a complaint, or otherwise interested in, a particular cable proceeding. In order to provide more useful and accurate information to all parties, the Commission should, as TCI suggests, revise the cable public notice format to include: (1) the assigned case number; (2) the type of complaint/petition; (3) the name of the complainant/petitioner; (4) the name of the defendant/respondent; (5) the affected communities; (6) any relevant cable system identifier (such as CUID number); and (7) the date on which oppositions or responses are due. As TCI aptly observes, this revised format would greatly assist interested parties and Commission staff in tracking cable proceedings, and reduce confusion concerning the date on which particular filings are due. The Commission should, therefore, adopt TCI's proposal to revise the format of cable public notices.

III. Conclusion

For the foregoing reasons, the Commission should reject TCI's and NCTA's proposal to begin the time period for responding to any cable complaint or petition that is placed on public notice on the public notice date, at least insofar as it applies to program access complaints. The Commission should, however, adopt TCI's proposal to revise

the cable public notice format to provide parties with additional relevant information, including the identity of the named defendants/respondents and the date on which responses are due.

Respectfully submitted,


A handwritten signature in black ink, appearing to read "Christopher M. Heimann", with a long horizontal flourish extending to the right.

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Date: July 7, 1998

CERTIFICATE OF SERVICE

I, Toni R. Acton, do hereby certify that a copy of the foregoing Reply Comments of Ameritech New Media, Inc. has been served on the parties listed below, via first-class mail, postage prepaid, on this 7th day of July 1998.

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